

VZCZCXRO7021
OO RUEHGI
DE RUEHC #0544/01 1622303
ZNR UUUUU ZZH
O 112235Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY BANGUI IMMEDIATE 1379

UNCLAS SECTION 01 OF 05 STATE 060544

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [CT](#)
SUBJECT: CENTRAL AFRICAN REPUBLIC -- 2009 TIP REPORT:
PRESS GUIDANCE AND DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of the Central African Republic (CAR) of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of the CAR, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of the CAR of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of the CAR,s country narrative in the 2009 TIP Report:

Central African Republic (TIER 2 Watch List)

The Central African Republic (CAR) is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The majority of victims are children trafficked within the country for sexual exploitation, domestic servitude, forced ambulant vending, and forced agricultural, mine, market, and restaurant labor. To a lesser extent, children are trafficked from the CAR to Cameroon, Nigeria, and the

STATE 00060544 002 OF 005

Democratic Republic of Congo (DRC), for the same purposes listed above. Children may also be trafficked from Rwanda to the CAR. In addition, rebels conscript children into armed forces in the northwestern and northeastern regions of the country. Unable to survive as hunters and gatherers because of depleted forests, Pygmies are subjected to forced agricultural labor by Central African villagers. Authorities in the CAR have a limited awareness of trafficking, and none of the nation,s young, but developing, civil society organizations has an anti-trafficking focus. No comprehensive trafficking analysis has been conducted and little concrete data exists. A study released in 2008 by UNICEF and the Government of the CAR on violence linked to child labor, however, reveals that forced child labor is widespread. In addition, a 2005 UNICEF study on child sexual exploitation found over 40 sex trafficking cases in Bangui and four of the country,s provinces. UN reports in the last year indicate that self-defense militias, some of which are supported by the government, recruited child soldiers.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite extremely limited resources, internal conflict, and instability caused by unrest in neighboring Sudan, Chad, and the DRC. The government demonstrated its nascent commitment to combating trafficking through law enforcement means by securing the convictions of three men for trafficking a three-year-old girl. In collaboration with UNICEF, the government collected data on violence linked to child labor and released a study in 2008 indicating a significant incidence of forced child labor in the country. Despite these overall significant efforts, the government did not show evidence of progress in enacting its 2006 draft law against trafficking) which has yet to be presented to the National Assembly) or in protecting victims of trafficking; therefore, the CAR is placed on Tier 2 Watch List.

Recommendations for the CAR: Pass and enact the 2006 anti-trafficking law; develop procedures through which police and social workers may identify trafficking victims among vulnerable populations -- such as females in prostitution, abandoned and street children, and Pygmies -- and train police and social workers to implement these procedures; end the practice of jailing children who are victims of sex trafficking; provide care to children in commercial sexual exploitation and forced labor, in collaboration with NGOs and

the international community as appropriate; and increase overall efforts to educate the public about the dangers of trafficking.

Prosecution

The Government of the CAR demonstrated some increased law enforcement efforts to combat trafficking during the last year. Central African law does not prohibit all forms of trafficking in persons. A 2006 draft comprehensive anti-trafficking law awaits Cabinet approval before being sent to the National Assembly for vote. In January 2009, the government enacted Labor Code Articles seven and eight which prohibit forced labor and bonded labor, prescribing a sufficiently stringent penalty of five to 10 years, imprisonment. The Central African Penal Code criminalizes the procurement of individuals less than 15 years old for prostitution, prescribing penalties of one to five years, imprisonment and/or a fine. These penalties are sufficiently stringent and commensurate with those prescribed for rape, although a fine alone would not be. In 2008, using kidnapping laws, the government convicted a Nigerian man to two years, imprisonment for attempting to sell a three-year old Guinean girl in 2007. The perpetrator, s two accomplices were sentenced to one year and six months, imprisonment respectively. Due to budget limitations, the government does not provide specialized anti-trafficking training to government officials on how to investigate and prosecute trafficking cases. Labor inspectors and other law enforcement officials report that they lack the resources to address trafficking crimes.

Protection

The Central African government continued weak efforts to protect trafficking victims over the last year. Government officials continued to travel with UNICEF into the interior of the country to identify, rescue, and demobilize child soldiers conscripted by rebels. Due to a paucity of resources, the government does not operate a trafficking victim shelter. The government refers destitute children older than four to local NGOs for care; some of these children could be trafficking victims. Otherwise, the government did not report referring any trafficking victims to NGOs for care. Two NGOs reported that the Ministry of Social Affairs sometimes provided training on general youth issues, but could not confirm that this included trafficking.

STATE 00060544 003 OF 005

In December 2008, the Minister of Defense assisted UNICEF, s efforts to release children from a self-defense militia conscripting child soldiers. The Ministry put UNICEF in contact with the militia leader, who agreed to cooperate with UNICEF to release children. The Central African government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. The government does not implement formal procedures to identify trafficking victims among vulnerable populations such as abandoned children, street children, or females in prostitution. In some cases, police jail children found in prostitution for up to a month and then released them, rather than providing them with rehabilitation and reintegration care. The government does not encourage victims to assist in trafficking investigations or prosecutions.

Prevention

The Government of the CAR continued modest efforts to prevent trafficking during the reporting period. The government released the results of a joint government-UNICEF study on violence associated with child labor in the CAR. The Ministry of Statistics assisted in analyzing the data collected. The government established an Inter-Ministerial Committee to Combat Child Exploitation during the last year. In June 2008, as part of its African Children, s Day celebration, the government conducted awareness-raising activities about trafficking through television and radio

broadcasts. In October 2008, the CAR government participated in a three-day seminar hosted by with the Central African Human Rights Observatory and a foreign donor entitled &Raising Awareness of the New Forms of Slavery in the CAR.8

The event produced the &Bangui Declaration8 of recommendations to the government and other stakeholders for the eradicating of trafficking in the country. The government lacked funding to implement a national action plan to prevent child sexual abuse, including trafficking, that it had adopted in 2006. A second anti-trafficking action plan adopted in 2007 also remains unimplemented. The government did not take any measures to reduce the demand for commercial sex acts.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been

STATE 00060544 004 OF 005

placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008

contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why does the Central African Republic remain on the Tier 2 Watch List?

A: The Government of the CAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite extremely limited resources, internal conflict, and instability caused by unrest in neighboring Sudan, Chad, and the DRC. The government demonstrated its nascent commitment

STATE 00060544 005 OF 005

to combating trafficking through law enforcement means by securing the convictions of three men for trafficking a three-year-old girl. In collaboration with UNICEF, the government collected data on violence linked to child labor and released a study in 2008 indicating a significant incidence of forced child labor in the country. Despite these overall significant efforts, the government did not show evidence of progress in enacting its 2006 draft law against trafficking) which has yet to be presented to the National Assembly) or in protecting victims of trafficking; therefore, the CAR is placed on Tier 2 Watch List.

Q2: What progress has the Central African Republic made in the last year?

A: In 2008, using kidnapping laws, the government convicted a Nigerian man to two years, imprisonment for attempting to sell a three-year old Guinean girl in 2007. The perpetrator,s two accomplices were sentenced to one year and six months, imprisonment respectively. In January 2009, the government enacted Labor Code Articles seven and eight which prohibit forced labor and bonded labor, prescribing a sufficiently stringent penalty of five to ten years, imprisonment. Government officials continued to travel with UNICEF into the interior of the country to identify, rescue, and demobilize child soldiers conscripted by rebels. In December 2008, the Minister of Defense assisted UNICEF,s efforts to release children from a self-defense militia conscripting child soldiers. The government released the results of a joint government-UNICEF study on violence associated with child labor in the CAR. The government also established an Inter-Ministerial Committee to Combat Child Exploitation during the last year.

Q3: What can the Central African Republic do to further the fight against trafficking in persons?

A: Pass and enact the 2006 anti-trafficking law; develop procedures through which police and social workers may identify trafficking victims among vulnerable populations -- such as females in prostitution, abandoned and street children, and Pygmies -- and train police and social workers to implement these procedures; end the practice of jailing children who are victims of sex trafficking; provide care to children in commercial sexual exploitation and forced labor, in collaboration with NGOs and the international community as appropriate; and increase overall efforts to educate the public about the dangers of trafficking.

CLINTON